IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 30th day of September 2005
Bail Application no. 940 **of 2005**
Order on the bail application of the accused

CRIMINAL SIDE

Dharmendra S/o Shobha Ram
R/o Jahangir Ganj
District Ambedkar Nagar
Now R/o Tarai Vikash Sangha
Gandhi Colony, Rudrapur
District Udham Singh Nagar … Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 1339 of 2005
Under Sections 302/201 I.P.C.
P.S. Rudrapur
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 1339 of 2005 under Sections 302/201 of I.P.C., P.S. Rudrapur, District Udham Singh Nagar.

Heard Sri S.K. Mandal, learned counsel for the applicant, learned A.G.A. and perused the record.

The case rests on circumstantial evidence, as the name of the applicant does not find place in the First Information Report.

However, the record shows that the only evidence against the applicant is that of last seen. The prosecution has also alleged that the blood stained brick used in the commission of crime is also has been recovered on the pointing out of the applicant.

I am of the view that it is not a sufficient evidence to connect the applicant with the actual commission of crime at this stage.

Let the applicant Dharmendra be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

30.09.2005
ASWAL